



# **EMN FOCUSSED STUDY 2017**

## **(Member) States' Approaches to Unaccompanied Minors Following Status Determination**

### **Estonian national report**

**Tallinn 2018**

***(Member) States' Approaches to Unaccompanied Minors Following Status Determination***

*Disclaimer: The following responses have been provided primarily for the purpose of completing a Synthesis Report for the EMN Focussed Study on (Member) States' Approaches to Unaccompanied Minors Following Status Determination. The contributing EMN NCP have provided information that is, to the best of their knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of an EMN NCPs' Member State.*

*This document was produced by Barbara Orloff the expert of EE EMN NCP. This report was compiled based on public and available information. Furthermore, experts of this topic were consulted.*

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# **(Member) States' Approaches to Unaccompanied Minors Following Status Determination**

## *Common Template for EMN Focussed Study 2017*

### **1 BACKGROUND AND RATIONALE FOR THE STUDY**

The number of applications for international protection has significantly increased in the European Union over recent years, mostly related to the ongoing crisis in Syria. According to Eurostat, more than 1.3 million asylum applications were lodged in the EU Member States in 2015, and just under 1.3 million again in 2016, almost five times as many as in 2010. Within the larger group of international protection applicants, the number of unaccompanied minors has increased strongly as well, from about 10,600 in 2010 to over 96,000 in 2015, before decreasing to 63,000 in 2016. According to earlier EMN outputs, while most unaccompanied minors are considered to apply for asylum, a certain number of unaccompanied minors remain outside the asylum procedure.

The overall dramatic increase in people seeking international protection and the arrival of unaccompanied minors in particular resulted in substantial challenges for Member States, including as regards **integration** and **return** policies. Applicants granted international protection and/ or another status need to be integrated into their new host societies, and those who are rejected need to return, preferably on a voluntary basis. Finding the right ways to deal with unaccompanied minors in this regard can appear particularly challenging, not least because unaccompanied minors have child-specific rights and enjoy special safeguards under international, EU and national laws.

A number of studies have been carried out in recent years on integration and return policies and practices, not least by the EMN (see "Relevant sources and literature" below). The EMN has also examined policies towards unaccompanied minors in particular. For example, the (voluntary) return of unaccompanied minors was touched upon in a 2014 EMN study on *Policies, practices and data on unaccompanied minors*. In 2008-2009, a comprehensive EMN study on *Policies on reception, return and integration arrangements for, and numbers of, unaccompanied minors* dealt explicitly with the integration of unaccompanied minors, among other aspects. Some of the information included in these studies is somewhat outdated today, however. In addition, the 2016 EMN Annual Report on Migration and Asylum indicated that few Member States actively engaged in the return of unaccompanied minors. Overall, this suggests that an updated inventory of the experiences made in the Member States, and of the challenges at hand and any best practices, would be of importance for future policy-making – both with regard to integration and return measures for unaccompanied minors.

### **2 STUDY AIMS AND OBJECTIVES**

The overall aim of the Study is to inform the EMN's target audiences (e.g. practitioners, policy officers and decision-makers at both EU and national level including academic researchers and the general public) on **Member States' approaches to unaccompanied minors following a final decision on their asylum/ other status application**. Thus, the Study will not examine the specific status determination procedure for unaccompanied minors but rather what happens with unaccompanied minors **after its completion**, which, in principle, either consists of the protection status and hence a right to **residence** being granted, followed by integration into the new host society, or the (asylum) application being rejected, followed by the unaccompanied minors being obligated to **return**. In relation to the latter, the Study will also cover instances when an unaccompanied minor is ordered to leave the territory but the **return decision is not or cannot be enforced**. Statuses such as temporary and tolerated stay, those available to child victims of trafficking, as well as the situation of unaccompanied minors who disappear following a decision on status shall be included as well.



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More specifically, the Study aims to:

★ With regard to **return**:

- > Examine Member States' approaches to **unaccompanied minors whose applications for asylum have been rejected and who are or cannot be (immediately) returned** or have disappeared following a decision on their application;
- > Describe the **legal and organisational set-up** in Member States with regard to the **(voluntary) return** of an unaccompanied minor, including information on the stakeholders involved, what their roles are, and what measures the Member States take when unaccompanied minors are issued an enforceable return decision, to encourage voluntary return;
- > Provide an overview of **challenges to return** and the measures taken to deal with such challenges, identifying good practices, including information and results of any AVR(R) programmes carried out for unaccompanied minors;

★ With regard to **integration**:

- > Examine integration approaches in the (Member) States regarding unaccompanied minors after positive decisions on admission or asylum/ other relevant procedures in key areas such as **housing, education and support in labour market entry**, including rights and entitlements awarded to unaccompanied minors (for example family reunification) and whether these are specifically geared towards unaccompanied minors. The Study shall also clarify in what way integration arrangements for unaccompanied minors are different than those for adults;
- > Describe the **organisational set-up** in Member States with regard to the **integration** of unaccompanied minors, including information on which stakeholders are involved and what their roles are;
- > Provide an overview of the **challenges to integration** and the actions taken to deal with such challenges, identifying good practices.

As many unaccompanied minors arriving in the EU are close to **passing the age threshold to adulthood**, the Study shall also examine whether there are any particular arrangements for unaccompanied minors who turn 18 around the point in time when they receive a final decision on status and what impact this may have on their integration trajectories or their return.

While most unaccompanied minors apply for asylum and hence this Study will focus on their situation after completion of the asylum procedure, it is important to keep in mind that not all unaccompanied minors who arrive in the (Member) States actually apply for asylum. If (Member) States receive unaccompanied minors outside their respective asylum procedures and have any other procedures in place to determine whether they are entitled to stay in the (Member) State or not, such procedures shall also be explored.

### 3 SCOPE OF THE STUDY

The overall focus of this Study are unaccompanied minors from third countries who, following status determination, are entitled to a residence permit, or are issued a return decision, and the approaches put in place by (Member) States to ensure their integration or (voluntary) return respectively. The scope of the Study may also include, at least in some Member States, any statuses given to unaccompanied minors who for some reason cannot be returned immediately (e.g. tolerated stay). Finally, the Study also aims to examine (Member) States' approaches to unaccompanied minors who have disappeared following a final decision on their application for asylum.

Thus, the Study does not cover the actual asylum or other relevant procedures in which the right of an unaccompanied minor to stay in a (Member) State is examined and decided upon.

## 4 PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

The Study will aim to address the following:

- ★ Provide an overview of the legal framework of international law and the EU *acquis* in relation to unaccompanied minors, provisions in place to address the human rights of unaccompanied minors and their fundamental freedoms when it comes to return/ integration and potential gaps;
- ★ Provide information on the legal framework and approaches of (Member) States to (voluntary) return of unaccompanied minors; describe the process (which actors and their roles) in relation to (voluntary) return; provide details of approaches that have been used specifically for the return of unaccompanied minors (e.g. AVR(R)-programmes specifically geared towards unaccompanied minors); describe reintegration measures in third countries; describe challenges and best practices concerning the (voluntary) return of unaccompanied minors, e.g. those who cannot be immediately returned;
- ★ Provide information on the approaches of (Member) States to the care/ integration of unaccompanied minors following status determination; describe the process (which actors and their roles) in relation to integration; provide details on approaches that have been aimed specifically at the integration of unaccompanied minors (e.g. education (including progression to third level), housing, guardianship, labour market entry); describe measures available to support unaccompanied minors in advance/ during/ as a follow-up to their transition to adulthood; describe outcomes, challenges and best practices concerning the integration of unaccompanied minors;
- ★ Describe the status(es) given (if any) to unaccompanied minors who are not granted protection (residence permit, visa) but who cannot be removed from a (Member) State;
- ★ Examine possible reasons for the disappearance of unaccompanied minors from guardianship/ care and whether this has any consequences on their permit to stay, plus measures in place to prevent and respond to disappearances and how effective they have been in practice.

## 5 DEFINITIONS

The following key terms are used in the Common Template. The definitions are taken mostly from the EMN Glossary v4.0.<sup>1</sup>

**'Absconding'** is defined as an "action by which a person seeks to avoid legal proceedings by not remaining available to the relevant authorities or to the court".

**'Applicant for international protection'** is defined as "a third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken".

**'Application for international protection'** is defined as "a request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection, outside the scope of Directive 2011/95/EU, that can be applied for separately".

**'Assisted voluntary return'** is defined as "voluntary return or voluntary departure supported by logistical, financial and/ or other material assistance".

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<sup>1</sup> Available at: [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/docs/emn-glossary-en-version.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf)

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**'Asylum seeker'** is defined in the global context as a person who seeks safety from persecution or serious harm in a country other than their own and awaits a decision on the application for refugee status under relevant international and national instruments; and in the EU context as a person who has made an application for protection under the Geneva Convention in respect of which a final decision has not yet been taken.

**'Compulsory return'** in the EU context is defined as "the process of going back – whether in voluntary or enforced compliance with an obligation to return – to:

- ★ one's country of origin; or
- ★ a country of transit in accordance with EU or bilateral readmission agreements or other arrangements; or
- ★ another third country, to which the third-country national concerned voluntarily decides to return and in which they will be accepted.

**'Final decision'** is defined as "a decision on whether the third-country national or stateless person be granted refugee status or subsidiary protection status by virtue of Directive 2011/95/EU (Recast Qualification Directive) and which is no longer subject to a remedy within the framework of Chapter V of this Directive, irrespective of whether such remedy has the effect of allowing applicants to remain in the Member States concerned pending its outcome". Within the context of this Study, other statuses (than refugee status and subsidiary protection) are taken into account as well.

**'Forced return'** in the EU context is defined as "the process of going back – whether in voluntary or enforced compliance with an obligation to return – to:

- ★ one's country of origin; or
- ★ a country of transit in accordance with EU or bilateral readmission agreements or other arrangements; or
- ★ another third country, to which the concerned voluntarily decides to return and in which they will be accepted.

**'Integration'** in the EU context is defined as "a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States."

**'Irregular stay'** is defined as "the presence on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils the conditions of entry as set out in Art. 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member State".

**'Reintegration assistance'** is defined as "support - either cash, in kind or combined, provided by a host country to a returnee, with the aim of helping the returnee to lead an independent life after return."

**'Regularisation'** is defined as "in the EU context, state procedure by which illegally staying third-country nationals are awarded a legal status".

**'Residence permit'** is defined as "any authorisation issued by the authorities of an EU Member State allowing a non-EU national to stay legally in its territory, in accordance with the provisions of Regulation 265/2010 (Long Stay Visa Regulation)."

**'Rejected applicant for international protection'** is defined as "a person covered by a first instance decision rejecting an application for international protection, including decisions considering applications as inadmissible or as unfounded and decisions under priority and accelerated procedures, taken by administrative or judicial bodies during the reference period".

**'Return decision'** is defined as "an administrative or judicial decision or act, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return".

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**'Return'** is defined as "the movement of a person going from a host country back to a country of origin, country of nationality or habitual residence usually after spending a significant period of time in the host country whether voluntary or forced, assisted or spontaneous".

**'Subsequent application for international protection'** is defined as "a further application for international protection made after a final decision has been taken on a previous application, including cases where the applicant has explicitly withdrawn their application and cases where the determining authority has rejected an application following its implicit withdrawal in accordance with Art. 28 (1) of Directive 2013/32/EU."

**'Third-country national'** is defined as "any person who is not a citizen of the European Union within the meaning of Art. 20(1) of TFEU and who is not a person enjoying the Union right to free movement, as defined in Art. 2(5) of the Schengen Borders Code".

**'Tolerated stay'** also refers to the (temporary) suspension of removal of a third-country national who has received a return decision but whose removal is not possible either for humanitarian reasons (as their removal would violate the principle of *non-refoulement* or due to the third-country national's physical state or mental capacity) or for technical reasons (such as lack of transport capacity or failure of the removal due to lack of identification or the country of origin's refusal to accept the person) and for as long as a suspensory effect is granted in accordance with Art. 13(2) of Directive 2008/115/EC.

**'Unaccompanied minor'** is defined as "a third-country national or stateless person below the age of 18 years, who arrives on the territory of the Member States unaccompanied by the adult responsible for them by law or by the practice of the Member State concerned, and for as long as they are not effectively taken into the care of such a person. It includes a minor who is left unaccompanied after they have entered the territory of the Member States." Furthermore, within the context of this Study, unaccompanied minors approaching 18 years of age are generally understood to be in the final couple of years before reaching the age of majority, i.e. 16 to 18 years.

**'Voluntary departure'** is defined as compliance with the obligation to return within the time-limit fixed for that purpose in the return decision.

**'Voluntary return'** is defined as "the assisted or independent return to the country of origin, transit or third country, based on the free will of the returnee"

**'Vulnerable person'** is defined as "minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of trafficking in human beings, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation".

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Top-line factsheet [max. 2 pages, *please respect the page limits provided here*]

The top-line factsheet will serve as an overview of the **National Contribution** introducing the Study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers.

Please provide a concise summary of the main findings of Sections 1-6 below, for example, focussing on:

- Latest figures on the number and socio-demographic characteristics of unaccompanied minors in your (Member) State, as well as evolution over time (2014-2016 and, where available, the first half of 2017);
- Top five main issues with regard to the care/ integration/ return of unaccompanied minors at present;
- Most important recent or planned changes to law, policy and practice regarding the care/ integration/ return of unaccompanied minors since 2014,<sup>2</sup> for example, as a result of the increase in the number of unaccompanied minors (and TCNs in general) seeking asylum in the EU between 2014 and 2016, the European Agenda on Migration,<sup>3</sup> etc.;
- Identified challenges and good practices, for example, as a result of the (Member) State coping with the large increase in applications from unaccompanied minors between 2014 and 2016, e.g. how were unaccompanied minors housed, educated, etc.
- Any suggestions for EU level action on unaccompanied minors that might be useful for your (Member) State.

Current study focuses on the approaches to unaccompanied minors (UAM) following status determination in Estonia.

The number of unaccompanied minors in Estonia has been low (from 2014 to 2016 there have been 5 unaccompanied minors in Estonia). All of the UAMs were Vietnamese nationals in the age group from 13 to 17 years. None of these UAMs applied for asylum in Estonia and a return decision was issued to all of them. None of the UAMs were returned, two of them received a residence permit and 3 of them disappeared from the accommodation centre.

There have been some changes in law regarding the care of UAMs, but the reason for this has not been an increase in the number of unaccompanied minors. The amendment to the Obligation to Leave and Prohibition to Entry Act which came into force in 2018 broadens the possibilities for accommodation of unaccompanied minors who do not have a legal ground to stay in Estonia. Additionally in 2018 a legislative amendment to the Social Welfare Act came into force regarding the alternative care service and continued care service, latter of which is only offered in case

<sup>2</sup> As the previous EMN study on Unaccompanied minors was completed in 2014, the proposed reference period for the Study is 2014 onwards with some flexibility if (Member) States believe there to be a significant change to law/ policy/ practice outside this period.

<sup>3</sup> Communication from the Commission on a European Agenda on Migration, available at [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/index_en.htm)



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the UAM has a legal ground to stay in Estonia.

Additionally a guidance between different authorities was agreed in 2016 with the aim to map the actions and responsibilities of authorities in ensuring operative actions when referring unaccompanied minors to alternative care service, to ensure efficient communication between parties and to ensure the quality of the service according to the legislation.

As the number of UAMs in Estonia is low, the issue of UAMs is currently not a policy priority and there is little practice to share in this matter. Nevertheless providing care for unaccompanied minors is important to Estonia. Section three of this study provides an overview of the care arrangements for UAMs in Estonia. Every UAM receives care already before status determination. After the Police and Border Guard Board informs the Social Insurance Board about the UAM, the UAM is transferred to the alternative care service provider.

The Social Insurance Board has concluded a contract with alternative care service provider. This contract guarantees safe accommodation to UAMs, their care, development possibilities and education until 18 years of age. If the UAM is studying and has a legal ground to stay in Estonia, the care is continued until 19 years of age. After that the responsibility for the continued care services for legally staying TCNs goes to the local government. Additionally if UAM is an asylum seeker and if he or she is at least 16 years of age it is also possible to accommodate him or her at the accommodation center for applicants of international protection.

Best interest of the child are determined and the guardian is responsible for guaranteeing the best interest of the child. According to the Family Law Act until appointment of guardian, the duties of a guardian are performed by the rural municipality or city government of the child's place of residence entered in the population register. Upon the performance of the duties of a guardian, a rural municipality or city government has the rights and obligations of a guardian. If a child has not been entered in the population register or information concerning his or her place of residence is missing in the population register, the obligations of the guardian are to the rural municipality or city government of the usual whereabouts of the child. A case plan is composed for each unaccompanied minor where the activities, needs and goals are marked for 6 months and revised after that time. Regarding good practices it has been pointed out that the cooperation between authorities and other institutions has been good.

Section four of the study overviews the integration of unaccompanied minors. Generally integration is considered an important issue in Estonia, but as there have been only few unaccompanied minors who have stayed in Estonia, it is difficult to assess the level of priority and to point out the measures tailored especially for UAMs. Access to healthcare is automatic to UAMs and is covered for all groups of UAM (legally as well as irregularly staying). Also access to education is automatic for unaccompanied minors and they have the same right to education as nationals. In order to facilitate the acquiring of education an individual curriculum can be composed and additional Estonian language lessons are provided at school. Also access to employment is automatic for the UAMs in case they have received a residence permit. There is no need to apply for a work permit. There are limitations regarding employment due to the legal restrictions for work of minors. Additionally there can be restrictions due to language requirements or employment in public service.

The next section of the study provides information on return of unaccompanied minors. National legislation foresees the possibility of assisted voluntary return of UAMs. Return is only possible if the interest of the child are taken into account, the custody of a child is arranged and the guardian is convinced that the unaccompanied minor shall be sent back to his or her family member or appointed guardian or to the reception centre of the receiving state. The Police and Border Guard Board (PBGB) or the Estonian Internal Security Service shall organise the searching of a family member of the unaccompanied minor TCN, of a guardian or a reception centre appointed in the receiving state. In Estonia the reintegration assistance is a vital component of the Voluntary Assisted Return and Reintegration Programme (VARRE). The programme is not specifically targeted to unaccompanied minors, but it takes into account the individual circumstances and can offer reintegration packages tailored to unaccompanied minors. UAMs are not returned until 18 years of age and up to now there is no practice regarding the return of UAMs.

The final part of the study regards the issue of disappearances of UAMs from guardianship/care facilities. In practice some of the UAMs have disappeared from the care facilities despite receiving a residence permit. The reasons for disappearing from accommodation facilities have been associated with the wish to leave Estonia to another country where they have a community from their nationals. In order to prevent and react to

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disappearances there is a national 24 hour hotline for missing children and the accommodation service provider is obliged to inform the Police and Border Guard Board and other relevant authorities if the UAM disappears from the accommodation.

**Executive Summary [max. 5 pages]**

*The Executive Summary of the **Synthesis Report** will provide an overview of the Study, as well as form the basis of an EMN Inform, which will have EU and national policy-makers as its main target audience. The Executive Summary will be prepared by the EMN Service Provider (ICF).*

**Section 1: Overview of the international and EU legislative framework on unaccompanied minors [max. 5 pages]**

*This section of the **Synthesis Report** will briefly outline the EU legal framework guiding national legislation on unaccompanied minors. It will provide a mapping of the substantive and procedural provisions in the EU acquis that regulate the protection of unaccompanied minors. The section will also highlight how the EU acquis relates to the broader international legal framework on unaccompanied minors. This section will be developed by the EMN Service Provider, hence no input from the EMN NCPs is required here.*

**Section 2: Overview of the situation of unaccompanied minors in the (Member) State [max. 3 pages]**

*This section of the Synthesis Report will provide an up-to-date overview of the national situation with regard to unaccompanied minors in the (Member) States, including figures on the scale and nature of the phenomenon, e.g. number of residence permits issued to unaccompanied minors, number of unaccompanied minors reunited with family in (Member) States, etc. The section further sets out the context for the Study by providing information on the overall approaches of (Member) States to the care, integration and return of unaccompanied minors as deducted from the latest changes to law/ policy and/ or practice concerning this group of migrant children. The section will be drafted on the basis of data available from Eurostat or other relevant sources and complemented by national data provided by EMN NCPs (in Annex 1).*

**Q1.** Please provide an overview of the current **public debate** with regard to unaccompanied minors who have received a final decision on their application for asylum/ another status in your (Member) State.

Currently there is no public debate with regard to unaccompanied minors.

**Q2.** Are unaccompanied minors that fall in this category a **national policy priority**, including those turning 18 years of age? Has this changed over the last few years, i.e. since 2014 onwards? Has there been a shift in focus within policy issues concerning unaccompanied minors?

As the number of unaccompanied minors in Estonia is very small, it is not considered a national policy priority. There has not been a shift in focus within policy issues concerning unaccompanied minors.

**Q3. a.** Please provide an overview of **recent changes to law, policy and practice** in relation to what happens with unaccompanied minors after they have received a final decision on their application for asylum/ another status in your (Member) State since 2014 onwards. Please provide an account of such changes also in relation to those unaccompanied minors turning 18 years of age, as well as unaccompanied minors disappearing from guardianship/ care and/ or following a return decision.

Guidelines between different authorities was agreed in 2016 with the aim to map the actions and responsibilities of authorities in ensuring operative actions when referring unaccompanied minors to alternative care service, to ensure

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efficient communication between parties and to ensure the quality of the service according to the legislation.<sup>4</sup>

Changes regarding UAMs with a legal ground to stay in Estonia:

In 2018 a legislative amendment came into force concerning the alternative care service and continued care service. Starting from 2018 UAM is guaranteed alternative care service until reaching the age of 18. If the child has commenced acquisition of education before attaining 18 years of age and continues the acquisition of education in daytime or, for medical reasons, in another form of study at a basic school, upper secondary school or a formal vocational education, the local authority shall ensure alternative care service for the child:

- 1) in the event of acquisition of education until the start of the following academic year, but not more than until the start of the following academic year the year that the child attained 19 years of age;
- 2) until the interruption of studies, but not more than until the child attains 19 years of age, or
- 3) until the start of the following academic year if the child attains 19 years of age.

In case the UAM has obtained a legal ground to stay (e.g. residence permit for studying) a local authority shall ensure continued care service for an adult UAM who previously received alternative care in case he or she continues attaining a formal vocational education, a professional higher education, in Bachelor's study or Master's study or integrated Bachelor's and Master's studies at a university in the following academic year after acquisition of basic, secondary, vocational or higher education:

- 1) until the end of the initial standard period of study established by the corresponding curriculum, but not more than until the person attains 25 years of age;
- 2) until the interruption of studies, but not more than until the person attains 25 years of age, or
- 3) until the person attains 25 years of age.

(2) A local authority may ensure continued care service for a UAM:

- 1) who is up to 21 years of age and not studying and received alternative care or was under guardianship until becoming an adult; 2) who is up to 25 years of age and studying and was under guardianship until becoming an adult and continued attaining a formal vocational education, a professional higher education, in Bachelor's study or Master's study or integrated Bachelor's and Master's studies at a university in the following academic year after acquisition of basic, secondary, vocational or higher education.

Until the end of 2017 the substitute home service (now broader term alternative care service) was provided until the UAM was 18 or if he or she was studying until the end of the studies.

It is important to note that the legislative amendment and the continued care service is applicable only in case the UAM has received a legal ground to stay in Estonia. For UAMs who do not have a legal ground to stay in Estonia, the alternative care service is offered until he or she becomes 18 years of age.

Changes regarding UAMs without legal ground to stay in Estonia:

In 01.10.2014 a legislative amendment came into force concerning issuing of return decisions to UAMs. Previously it was stipulated in the Obligation to Leave and Prohibition to Entry Act<sup>5</sup> (OLPEA) that a return decision is issued to an unaccompanied minor only if upon the issue of the return decision the representation of unaccompanied minor is ensured and his or her interests have been taken into account and the unaccompanied minor is sent back to his or her family member or appointed guardian or to the reception centre of the receiving state. In practice many countries required a return decision in order to start with the readmission procedures. In order to ensure better enforcement of readmission agreements an amendment was made according to which the obligation to leave of an unaccompanied minor is complied with taking account of the interests of the unaccompanied minor TCN and if the guardian is convinced

<sup>4</sup> Guidelines for referring unaccompanied minors to alternative care service:  
<http://ift.ee/admin/upload/files/Saatjata%20alaealiste%20v%C3%A4lismaalaste.pdf>

<sup>5</sup> Obligation to Leave and Prohibition to Entry Act Article 12 (3)



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that the unaccompanied minor alien shall be sent back to his or her family member or appointed guardian or to the reception centre of the receiving state. Meaning that the guardian has to make sure that the child is sent back to his or her family or guardian or the reception centre of the receiving state before the voluntary enforcement of return decision not before issuing the return decision.<sup>6</sup>

Starting from the year 2018 it is possible to accommodate unaccompanied minors who have no legal ground to stay in the country in addition to the substitute home also at a foster family or family house. Previously it was only possible to accommodate the UAM to a substitute home.

**b.** Please indicate **any planned changes** to law/ policy/ practice regarding the care/ integration/ return of unaccompanied minors going forward.

There are currently no planned changes.

**Q4.** What **statuses** does your (Member) State typically grant to unaccompanied minors and in what circumstances (e.g. asylum, humanitarian protection, temporary/ tolerated status, etc.)? *Please do not provide details here on the different status determination procedures (as this is not the focus of the Study), but rather on what status(es) they result in for unaccompanied minors.*

In Estonia there is no specific residence permit for unaccompanied minors as such. In cases of unaccompanied minors the aim is to offer the best possible solution for the child.<sup>7</sup> As the number of unaccompanied minors has been low, it is difficult to point out any typical statuses. The child is provided with the representative, who will help to decide which application for the residence permit he/she will submit in the name of the child.

According to the Act on Granting International Protection to Alien (AGIPA) it is possible to grant unaccompanied minors a refugee status or subsidiary protection status and residence permit if the need for international protection has been determined.

In exceptional cases it is also possible to issue a temporary residence permit on humanitarian grounds to an unaccompanied minor according to the Aliens Act<sup>8</sup>. This provision states that in exceptional circumstances a TCN may be granted a temporary residence permit if in the course of the proceedings relating to the entry of a TCN into Estonia, his or her temporary stay, residence and employment in Estonia or the obligation to leave Estonia of a TCN it has become evident, that the refusal of entry or requiring a TCN to leave Estonia would be unduly burdensome to him or her, the TCN lacks the possibility of getting the residence permit in Estonia on another basis, and the TCN does not constitute a threat to public order and national security.<sup>9</sup> Granting of a residence permit on these grounds is exceptional, and a person cannot apply himself or herself for such a residence permit, but a TCN can emphasize the circumstances why s/he needs the Estonian residence permit during another residence permit procedure performed by the Police and Border Guard Board. In addition, a person has a possibility to apply for other legal basis of stay, provided that the respective legislative criteria are met.

In certain cases a temporary residence permit for participation in criminal proceedings may be issued.<sup>10</sup> This type of residence permit may be issued for participation in criminal proceedings for assistance in the ascertaining of the facts of the subject of proof of a criminal offence if he or she is a victim or a witness in a criminal procedure (e.g. victims of trafficking in human beings).

Additionally it is possible to grant unaccompanied minors other type of residence permit provided that the respective legislative criteria stipulated in the Aliens Act are met.

<sup>6</sup> Explanatory memorandum of the Obligation to Leave and Prohibition to Entry Act

<sup>7</sup> 10.01.2018 response from the Police and Border Guard Board to the EMN query

<sup>8</sup> Aliens Act Article 210<sup>3</sup>

<sup>9</sup> Aliens Act Article 210<sup>3</sup>

<sup>10</sup> Aliens Act Article 203

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**Q5. a.** Please provide any further qualitative information available in your (Member) State on the **characteristics of unaccompanied minors**, as follows:

- Are unaccompanied minors **mostly close to the age of majority** when a final decision on their application for asylum/ another status is issued, or (much) younger?

It is not possible to make any generalisations as there have been very few unaccompanied minors in Estonia.

- Are they **boys or girls** predominantly?

It is not possible to make any generalizations as there have been very few unaccompanied minors in Estonia.

- Are they **resettled and/ or relocated** unaccompanied minors whose right to reside in your (Member) State has been clarified?

No, there have been no resettled or relocated unaccompanied minors in Estonia so far.

- Please provide any other qualitative information available *not covered above, for example*, unaccompanied minors not presenting themselves to the authorities, etc.:

No information available.

**b.** Please complete the Excel document in Annex 1 (including data as well as metadata) if you have **national statistics** on:

- The total number of accepted/ rejected applications for asylum by unaccompanied minors in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by sex/ country of origin of the minor;
- The total number of residence permits issued to unaccompanied minors on grounds such as asylum, humanitarian protection, etc. in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by sex/ country of origin of the minor;
- The total (estimated) number of unaccompanied minors not seeking asylum and their respective statuses, e.g. those who entered irregularly and victims of trafficking, etc. in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by age/ sex/ country of origin of the minor;
- The total number of unaccompanied minors issued temporary/ alternative statuses, tolerated stay, etc. in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by sex/ country of origin of the minor;
- If available, data pertaining to specific integration outcomes for unaccompanied minors in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by age/ sex/ country of origin of the minor (e.g. unaccompanied minors enrolled in primary/ secondary education, traineeships/ internships, training, labour market programmes or any other targeted measures; unaccompanied minors who have completed successfully any (civic) integration courses; unaccompanied minors registered with leisure associations (e.g. football/ cricket federation, scouting, etc.); cases of successful family reunification involving unaccompanied minors). *If such data are not available, please provide below any existing qualitative information in relation to outcomes for unaccompanied minors;*
- The total number of unaccompanied minors with enforceable return decisions and/ or number of unaccompanied minors returned (through voluntary and forced returns), including data on AVR(R)-programmes targeting unaccompanied minors in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by age/ sex/ country of origin of the minor;

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- The total (estimated) number of unaccompanied minors disappearing from care/ guardianship and/ or following a return decision, if possible disaggregated by age/ sex/ country of origin of the minor.

*Please do not here include the Eurostat data mentioned above, as this information is available publically and can therefore be analysed centrally for the Synthesis Report.*

**Q6. a.** Please provide a general overview of what happens with unaccompanied minors in your (Member) State **when they turn 18 years of age**, including a brief description of the approach (e.g. transitional measures/ plans) of your (Member) State:

- when an unaccompanied minor has received **a final negative decision** on his/ her application for asylum/ another status as a minor (please elaborate below):

If the unaccompanied minor has turned 18 years of age and receives a final negative decision on his/her application for asylum the return obligation should be fulfilled. There has been very little practice in this matter. The unaccompanied minors have left Estonia before turning 18 years of age and before receiving a final negative decision.<sup>11</sup>

- when an unaccompanied minor is **granted a status as a minor** (please elaborate below):

The grounds for the international protection are reviewed, for all cases, when the beneficiary will submit the application for the renewal of the residence permit and the status. Then it will be assessed, whether the need protection on those grounds is still valid or if the protection is still needed on other grounds.

**b.** Please describe how unaccompanied minors who are approaching 18 years of age are **identified** in your (Member) State so that transitional measures/ plans can be introduced as part of their care/ integration/ return. How often is this review being done, e.g. every month, etc.?

There is no practice to describe.

**c.** When are **transitional measures/ plans** for those unaccompanied minors turning 18 years of age likely to commence in your (Member) State, e.g. how many months / years before? And for how long can such measures continue after the unaccompanied minor reaches adulthood, e.g. is there any age threshold?

N/A

### Section 3: Care arrangements for unaccompanied minors, including after-care for unaccompanied minors turning 18 years of age [max. 10 pages]

*This section of the Synthesis Report will provide a factual, comparative overview of the care arrangements in place for unaccompanied minors in the (Member) States – including any transitional/ after-care available for unaccompanied minors turning 18. Whilst the aim of this section is to report on care measures available specifically to unaccompanied minors following status determination, some care provisions are accessible for unaccompanied minors without a determination on their applications/ 'legal' status. Where the provisions differ from those for unaccompanied minors without a determination on their applications, this should be indicated. If applicable, please also distinguish between provisions that apply to all unaccompanied minors, as well as those that apply to certain groups of unaccompanied minors, e.g. non-asylum seeking unaccompanied minors, trafficked children, etc.*

<sup>11</sup> 10.01.2018 response from the Police and Border Guard Board to the EMN query

*(Member) States' Approaches to Unaccompanied Minors Following Status Determination***Overview of care provisions and organisational set-up in the (Member) State**

**Q7. a.** What **priority** is given to the care for unaccompanied minors in your (Member) State (over their return, for example)? When does the care for unaccompanied minors commence, i.e. before or after status determination?

Providing care to unaccompanied minors is a higher priority in Estonia than returning unaccompanied minors.

The care for unaccompanied minor starts from the moment the Police and Border Guard Board identifies an unaccompanied minor, hence the care starts before status determination. After the Police and Border Guard Board informs the Social Insurance Boars about the UAM, the UAM is transferred to the alternative care service provider.<sup>12</sup>

**b.** Please provide a summary overview of the provisions in place in your (Member) State for the **care** of unaccompanied minors following their status determination, including accommodation, guardianship, etc., indicating in particular how the legal status of the unaccompanied minor defines his/ her specific care arrangements (e.g. refugees, unaccompanied minors not seeking asylum, etc.).

Provisions about guardianship (applies to irregularly staying as well as legally staying UAMs):

According to the Family Law Act<sup>13</sup> until appointment of guardian, the duties of a guardian shall be performed by the rural municipality or city government of the child's place of residence entered in the population register if the prerequisites for the establishment of guardianship have been complied with. Upon the performance of the duties of a guardian, a rural municipality or city government has the rights and obligations of a guardian.

Upon failure to find a suitable natural or legal person, the rural municipality or city government with which the child is most closely connected shall be appointed guardian. A child is most closely connected with the rural municipality or city government, inter alia, where the child is from, where the child has lived for most part of the time, with which the child has preserved essential ties, where the child's close persons or assets are located or where the child's residence according to the population register is.

Upon change of a child's place of residence entered in the population register, the rural municipality or city government of the initial place of residence entered in the population register and the rural municipality or city government of the new place of residence entered in the population register may agree that the rural municipality or city government of the new place of residence entered in the population register shall perform the duties of a guardian. Until an agreement is reached, the duties of a guardian shall be performed by the rural municipality or city government of the child's initial place of residence entered in the population register.

If a child has not been entered in the population register or information concerning his or her place of residence is missing in the population register, the regulation specified in subsections (1) and (3) of this section apply to the rural municipality or city government of the usual whereabouts of the child.

Administrative Procedure Act<sup>14</sup> foresees that a minor is not allowed to perform procedural acts in administrative proceedings independently. In case the unaccompanied minor is apprehended in the territory of Estonia without legal basis, the guardian is immediately involved in the proceedings. In accordance with § 176 of the Family Law Act the duties of a guardian shall be performed by the rural municipality or city government of the usual whereabouts of the child.

Provisions about accommodation (for UAMs with international protection as well as UAMs without legal grounds to stay):

<sup>12</sup> 25.01.2018 response from the Social Insurance Board to the EMN query

<sup>13</sup> Family Law Act § 176 (1) –(4)

<sup>14</sup> Administrative Procedure Act Article 12 (2)

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Pursuant to the Social Welfare Act<sup>15</sup> alternative care service shall be provided to unaccompanied minor TCNs under the conditions and pursuant to the procedure provided in Subdivision 12 of Division 2 of Chapter 2 of the Social Welfare Act.

The same Act stipulates<sup>16</sup> that alternative care service is a social service organised by a local authority, the objective of which is to ensure the long- or short-term well-being and rights of a child, ensure family-like living conditions to a child for the satisfaction of the basic needs of the child, to create a secure physical and social environment promoting his or her development and to prepare the child for coping in accordance with his or her abilities as an adult. A foster family, family house and a substitute home are providers of alternative care service. A person directly providing alternative care services is a foster parent, family parent and an educator.

The Social Insurance Board is responsible for accessibility of the care services for UAMs. Past time activities are arranged by the accommodation service provider.<sup>17</sup>

The Social Insurance Board has concluded a contract with alternative care service provider. This contract guarantees a safe accommodation to UAMs, their care, development possibilities and education until 18 years of age. If the UAM is studying and has a legal ground to stay in Estonia, the care is continued until 19 years of age. After that the responsibility for the aftercare goes to the local government.<sup>18</sup>

In case the UAM has previously applied for international protection, he or she can be accommodated through the alternative care services or in case he or she is 16 years of age it is also possible to accommodate him or her at the accommodation centre for applicants of international protection. So far none of the UAMs have been accommodated at the accommodation centre for applicants. UAMs who have received a negative asylum decision are staying at the alternative care service until they become 18 years of age without being returned.<sup>19</sup>

Unaccompanied minors are treated equally to Estonian nationals. A case plan is composed for each child where the activities are marked for 6 months. A case plan is a written document consisting of an evaluation to a person's need for assistance and the activity plan for application of measures. After 6 months an assessment is made with the participation of the people working in the substitute home, Social Insurance Board and representative from the local government listen to the UAM about how he or she is doing, what needs does (s)he have and how to proceed in order to fulfil the needs. After that new goals are established for the next 6 months.<sup>20</sup>

**c. Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** with regard to the care for unaccompanied minors following a positive decision on status. Is this set out in legislation or any other internal administrative regulations?**

The guardian of the child is responsible for guaranteeing the best interest of the child. The regulation of the Child Protection Act is followed which stipulates<sup>21</sup> the obligation to ascertain the best interests of the child when adopting or not adopting a decision affecting a child. In order to ascertain the best interests of the child, it is necessary: 1) to ascertain all the relevant circumstances concerning the situation and person of the child and other information which is necessary to evaluate the effect of the decision on the child's rights and well-being; 2) to explain the content and reasons of the planned decision to the child, to hear the child in a manner taking account of his or her age and development and to account for his or her opinion based on the child's age and development as one of the circumstances upon ascertaining the best interests of the child; 3) assessing all the relevant circumstances in aggregate, to form a reasoned opinion concerning the best interests

<sup>15</sup> Social Welfare Act Article 126<sup>1</sup>

<sup>16</sup> Social Welfare Act Article 45<sup>5</sup> (1)-(2)

<sup>17</sup> 25.01.2018 response from the Social Insurance Board to the EMN query

<sup>18</sup> 25.01.2018 response from the Social Insurance Board to the EMN query

<sup>19</sup> 25.01.2018 response from the Social Insurance Board to the EMN query

<sup>20</sup> 25.01.2018 response from the Social Insurance Board to the EMN query

<sup>21</sup> Child Protection Act Article 21



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of the child with regard to the planned decision.

Best interests of the child are determined on a principle of case management. A case plan is composed to every UAM.

**Q8. Which national/ regional/ local authorities and organisations** (including NGOs where relevant) are responsible for the care of unaccompanied minors following status determination? Please describe in particular the competent authorities responsible for the provision of accommodation, guardianship, etc., what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account, etc.

<b>Name of national competent authority/ organisation</b>	<b>Brief description (e.g. remit/ role, etc.)</b>	<b>Main activities/ responsibilities</b>
<i>The Ministry of Social Affairs</i>	<p><i>Coordinates the formulation of policies on children's rights and child protection, and organises international adoptions.</i></p> <p><i>Compiles solution plans for the state's social issues and manages their implementation.</i></p> <p><i>Manages social insurance and welfare services.</i></p>	<i>Planning and carrying out legal policy related to social welfare and child protection.</i>
<i>Social Insurance Board</i>	<p><i>Organising the referral to services:</i></p> <p><i>a) Organising the alternative care services</i></p> <p><i>b) Organising the healthcare services</i></p> <p><i>c) Organising translation</i></p> <p><i>d) Organising psychological help</i></p>	<p><i>Concluding the contract with the accommodation service provider (the alternative care service provider);</i></p> <p><i>Referring the UAM to the service, concluding an administrative contract and a case plan to every UAM, supplementing the case plan, ending the contract;</i></p> <p><i>Paying for the services;</i></p> <p><i>Concluding the contract with the service provider, referring the UAM to healthcare services, paying for the services;</i></p> <p><i>Organising the translation services, referring the UAM to the services, paying for the translation.</i></p> <p><i>In case of need the UAM is referred to a psychologist.</i></p> <p><i>Additionally the Social Insurance Board supervises the quality of the services, ascertains the UAMs needs, coordinates the case, organises the exchange of information, visiting the</i></p>

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		<i>UAM.</i>
<i>Accommodation service provider</i>	<i>Under the contract with the Social Insurance Board offers alternative care service</i>	<p><i>Provides accommodation, guarantees that the child receives appropriate care, healthcare, past time activities, education.</i></p> <p><i>Social worker at the accommodation service provider as well as the educators at the substitute home or the family parent at the family home provides the UAM with assistance on everyday matters.</i></p>
<i>Local Government</i>	<p><i>a) Providing a legal guardian</i></p> <p><i>b) Ensuring the continued care service and funding the continued care service;</i></p>	<p><i>a) Legal representation of the UAM. A guardian has the right and obligation to care for the person and property of the person under his or her guardianship within the limits of his or her duties. The guardian has the obligation to ensure that the return of the UAM is in the best interest of the child and that the UAM has a family member, guardian or a reception centre in the country of return.</i></p> <p><i>b) Supports the ability of a person leaving alternative care and guardianship to cope independently and continue studies. Composes a case plan on the basis of which the local authority shall ensure housing and needs-based support services and benefits.</i></p>
<i>Police and Border Guard Board (PBGB)</i>	<i>The PBGB is the authority responsible for the status determination of the UAM, issuing of residence permits, documents and return decisions.</i>	<p><i>a) Together with a child protection specialist sends the child to the accommodation service provider or accommodation centre.</i></p> <p><i>b) Informs the Social Insurance Board about the UAM.</i></p> <p><i>c) Informs the local government about the legal status of the UAM as well any changes in the legal status.</i></p> <p><i>d) Family-tracing</i></p>
<i>Ministry of Justice</i>	<i>a) Legislator of family law</i>	<i>a) Planning and carrying out legal policy related to family law and civil procedural law and analysing relevant case-law.</i>

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	<i>b) Central authority in cross-border child protection issues</i>	<i>b) Mediate requests for assistance regarding cross-border child protection cases and answers to them between other States and domestic competent authorities. Relevant if any such requests are sent regarding unaccompanied minors.</i>
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**Accommodation arrangements**

**Q9. a.** Please provide information on the **accommodation** options available for unaccompanied minors in your (Member) State following status determination, as follows:

- Accommodation specifically for minors? **Y/ N**

Yes. The UAMs have been accommodated in the family homes or substitute homes depending on the age of the UAM.

- General accommodation with special provisions for minors? **Y/ N**

Yes.

- Specialised accommodation for unaccompanied minors with specific identified needs? **Y/ N**

No.

- Specialised accommodation for (unaccompanied) minors victims of trafficking? **Y/ N**

No. Victims of trafficking are accommodated in family homes or substitute homes just as other unaccompanied minors.

- Accommodation with a foster family? **Y/ N**

Yes, legislation foresees this possibility, but it has not been done in practice.

- Other types of accommodation for unaccompanied minors, e.g. accommodation with adults if the unaccompanied minor is over 16 years of age, etc.? **Y/ N**

Yes. It is possible to accommodate an unaccompanied minor over 16 years of age in the accommodation centre for asylum seekers.

**b.** Please provide an estimate of the **costs** associated with the accommodation of unaccompanied minors, as well as how these are measured/ defined in your (Member) State, e.g. per day/ child, etc.

Social Insurance Board has concluded a contract with the accommodation service provider for three years (2017-2019). With this contract the accommodation service provider is obliged to offer substitute home service for up to 5 UAMs at once. The cost for three years is estimated to be 240 000 €. For the unfulfilled places the Social Insurance Board pays a stand-by compensation which is 20% of the cost of the child's substitute home service for every place that is not filled. In 2017 the cost for one child was 1450 €/month.<sup>22</sup>

**c.** Please provide information on the **staff** responsible for the care of unaccompanied minors, for example, main tasks, any child-specific training received, etc.

<sup>22</sup> 25.01.2018 response from the Social Insurance Board to the EMN query



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The staff responsible for the care of unaccompanied minors receives appropriate professional training. According to the contract concluded with the substitute home provider, the service provider is obliged to offer the service according to the Social Welfare Act.<sup>23</sup> This Act<sup>24</sup> stipulates the requirements to the persons and their family members who are directly raising a child. The rules are as follows:

- 1) the person is with active legal capacity, copes independently and resides permanently in Estonia;
- 2) the person is an adult, except a family parent who must be at least 25 years of age;
- 3) the person has the necessary personal characteristics to raise a child;
- 4) the person has not been deprived of the right of custody and it has not been restricted on the grounds provided for in the Family Law Act;
- 5) the person has not been removed from performance of the obligations of a guardian;
- 6) the person complies with the requirements provided for in § 20 of the Child Protection Act;
- 7) the person is not dependent on alcohol and narcotic drugs or psychotropic substances;
- 8) the person has experience in working with children, except foster parents;
- 9) the person has acquired at least secondary education;
- 10) the person shall submit a health certificate concerning the passing of a medical examination for communicable diseases Act and shall thereafter regularly pass a medical examination
- 11) a foster parent must have undergone the in-service training established under subsection (5) of this section;
- 12) a family parent, a substitute home educator and an assistant of a parent or a substitute home educator must have undergone the in-service training established under subsection (5) of this section or are required to undertake to undergo the said training within one year of employment.

The specific conditions and procedure for the in-service training of a person directly raising a child when providing alternative care service shall be established by a regulation of the minister responsible for the area. For the family parent and the educator at the substitute home the regulation foresees training in the amount of 160 academic hours<sup>25</sup> with a special curriculum<sup>26</sup>.

Additionally the persons responsible for the care of unaccompanied minors need to be able to communicate in English and/or Russian.

**d.** What are the implications of unaccompanied minors' **transition** from the age of minority to 18 years of age for their accommodation arrangements up to that stage?

- Do these unaccompanied minors turning 18 years of age change accommodation, or do they stay in the same accommodation, for example, until they reach a certain age? If so, what is the age threshold?

In case of UAMs who do not have legal ground to stay in Estonia, they are entitled to alternative care service until the age of 18.

In case of UAMs who have received a residence permit for studying or other grounds the alternative care service is guaranteed until he or she reaches the age of 18. If the child has commenced acquisition of education before attaining 18 years of age and continues the acquisition of education in daytime or, for medical reasons, in another form of study at a basic school, upper secondary school or a formal vocational education, the local authority shall ensure alternative care service for the child:

- 1) in the event of acquisition of education until the start of the following academic year, but not more than until the start of the following academic year the year that the child attained 19 years of age;

<sup>23</sup> 25.01.2018 response from the Social Insurance Board to the EMN query

<sup>24</sup> Social Welfare Act Article 45<sup>13</sup>

<sup>25</sup> <https://www.riigiteataja.ee/akt/121122017043>

<sup>26</sup> Curriculum: [https://www.riigiteataja.ee/akt/1211/2201/7043/SOM\\_20122017\\_m63\\_lisa2.pdf#](https://www.riigiteataja.ee/akt/1211/2201/7043/SOM_20122017_m63_lisa2.pdf#)

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- 2) until the interruption of studies, but not more than until the child attains 19 years of age, or  
 3) until the start of the following academic year if the child attains 19 years of age.<sup>27</sup>

A local authority shall ensure continued care service for an adult UAM who previously received alternative care in case he or she continues attaining a formal vocational education, a professional higher education, in Bachelor's study or Master's study or integrated Bachelor's and Master's studies at a university in the following academic year after acquisition of basic, secondary, vocational or higher education:

- 1) until the end of the initial standard period of study established by the corresponding curriculum, but not more than until the person attains 25 years of age;  
 2) until the interruption of studies, but not more than until the person attains 25 years of age, or  
 3) until the person attains 25 years of age.

(2) A local authority may ensure continued care service for a UAM:  
 1) who is up to 21 years of age and not studying and received alternative care or was under guardianship until becoming an adult;  
 2) who is up to 25 years of age and studying and was under guardianship until becoming an adult and continued attaining a formal vocational education, a professional higher education, in Bachelor's study or Master's study or integrated Bachelor's and Master's studies at a university in the following academic year after acquisition of basic, secondary, vocational or higher education.<sup>28</sup>

- Does your (Member) State have any measures in place to support the unaccompanied minor before the transition, e.g. information provision, etc.? **Y/ N**

Yes. The aim of the alternative care service is to ensure the long- and short-term well-being and rights of a child, ensure family-like living conditions to a child for the satisfaction of the basic needs of the child, to create a secure physical and social environment promoting his or her development and to prepare the child for coping in accordance with his or her abilities as an adult.<sup>29</sup>

A case plan is prepared for every UAM. A case plan is a written document consisting of an evaluation to a person's need for assistance and the activity plan for application of measures.<sup>30</sup>

IOM informs the child of the possibilities of return to the home country and the local government (guardian) informs the child about the possibilities to stay in the country after becoming 18 years of age.<sup>31</sup> The educators at the substitute home or the family parents at the family house as well as the social worker provide information to the UAM.<sup>32</sup>

- Does your (Member) State have any measures in place to support the unaccompanied minor during the transition, e.g. pathway plan, personal adviser, etc.? **Y/ N**

Yes, children living in the substitute home can receive information and help if needed from the educator who is considered as a personal adviser. In family house the family parent is responsible for the children and assisting them when in need.

- Does your (Member) State have any measures in place to support the unaccompanied minor after the transition, e.g. formal follow-up or after-care service, open-door policy at accommodation facility, etc.? **Y/ N**

<sup>27</sup> Social Welfare Act Article 45<sup>9</sup>

<sup>28</sup> Social Welfare Act Article 45<sup>16</sup>

<sup>29</sup> Social Welfare Act Article 45<sup>5</sup> (1)

<sup>30</sup> Social Welfare Act Article 9 and 10

<sup>31</sup> 25.01.2018 response from the Social Insurance Board to the EMN query

<sup>32</sup> 26.01.2018 interview with the accommodation service provider

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There are no measures specific to unaccompanied minors, but the person may be referred to the continued care service, which is a social service organized by a local authority the objective of which is to support the ability of a person leaving alternative care and guardianship to cope independently and continue studies.<sup>33</sup> When a person is in continued care service, his or her case plan is reviewed at least once a year. Continued care service is only provided to the UAMs who have a legal ground to stay in Estonia.

Additionally, according to the Social Welfare Act<sup>34</sup> is possible to provide a support person service to the unaccompanied minor. This is a social service organized by a local authority the objective of which is to support the ability to cope independently in situations where a person needs significant personal assistance in performing his or her obligations and exercising his or her rights due to social, financial, psychological or health problems. Personal assistance includes guidance, motivation and development of greater independence and responsibility of a person. This service is also offered in case the UAM has a legal ground to stay in Estonia.

e. Is there any research available in your (Member) State on:

- The **standards of accommodation** provided to unaccompanied minors? Y/N
- The **effects** of accommodation arrangements on the integration of the unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

No information available.

### *Guardianship arrangements*

**Q10. a.** Please describe the arrangements for **guardianship** of unaccompanied minors in your (Member) State following status determination, specifying in particular who can become a guardian to an unaccompanied minor, the guardian's role, e.g. legal representation, etc., which unaccompanied minors (e.g. asylum/ non-asylum seeking) are entitled to a guardian and until what age, etc.

All the unaccompanied minors are entitled to a guardian despite their legal status. Currently the guardian of the UAM is the rural municipality or city government of the usual whereabouts of the child.<sup>35</sup>

**b.** What are the implications of unaccompanied minors' **transition** from the age of minority to 18 years of age for their guardianship arrangements up to that stage, e.g. are these unaccompanied minors still entitled to a guardian and until what age, or are they expected to become fully autonomous, also in terms of finances, etc.? What measures (if any) are in place to support the unaccompanied minor before, during and after the transition, e.g. information provision, informal follow-up with guardians, etc.?

Unaccompanied minors are entitled to a guardian until 18 years of age.

**c.** Is there any research available in your (Member) State on:

- The **standard of guardianship** provided to unaccompanied minors? Y/ N

<sup>33</sup> Social Welfare Act Article 45<sup>15</sup>

<sup>34</sup> Social Welfare Act Article 23

<sup>35</sup> Family Law Act § 176 (4)

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- The **effects** of guardianship on the integration of the unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ **N**

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

The Chancellor of Justice has made an analysis regarding the reception of unaccompanied minors and has among other points assessed the functioning of guardianship. The analysis has pointed out some of the possible weaknesses of the current system and has made some recommendations accordingly. The recommendations foresee that the local governments have to be aware of all the obligations and fulfill them effectively. The Social Ministry and the Ministry of the Interior have to provide additional information to the local government who is fulfilling the obligations of the guardian about the legal status of the child and about the distinctions related to the guardianship compared to local children. Additionally the analysis foresees that a effective monitoring system should be established in order to periodically assess whether the guardian is performing his or her duties and if there are enough resources to do so.<sup>36</sup>

*Consequences of a temporary residence permit on the care arrangements for unaccompanied minors*

**Q11.** What impact does the expiration of a **temporary residence permit** have on the above-mentioned care arrangements for unaccompanied minors in your (Member) State, e.g. unaccompanied minors disappearing from care, etc.?

In case the temporary residence permit expires and the application to extend the permit is not lodged, and the person in underage, he or she is provided with substitute home service. In case the person is of 18 age or more, a return procedure is started.

In practice if UAM has no legal ground for staying, there is no automatic granting of residence permit. According to the PBGB the practice has shown that some of the UAMs who have a residence permit, still decide to leave Estonia.<sup>37</sup>

*Challenges and good practices*

**Q12.** Please indicate the main **challenges** associated with the care of unaccompanied minors in your (Member) State experienced by both unaccompanied minors, including those turning 18 years of age, and/ or the competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and how these challenges could be overcome. Please provide references.

According to the analysis by the Chancellor of Justice, it is not always clear who is responsible for which assignment regarding the care provided for UAMs. It should be clearly specified what are the obligations of the Social Insurance Board and what are the obligations of the local government regarding the representation and care of the child.<sup>38</sup>

As the legal guardian of the UAM is the rural municipality or city government of the usual whereabouts of the child, it has since now been only one specific city in Estonia as the Social Insurance Board has concluded a contract with the accommodation service provider in that city. If the contract is concluded with another accommodation service provider in the future, the local government will have had no practice with the representing UAMs.

Translation issues have been a challenge.<sup>39</sup>

**Q13.** Please describe any examples of **good practice** in your (Member) State concerning the care of unaccompanied minors, including those turning 18. *Please identify as far as possible who considers the practice in*

<sup>36</sup> Analysis by the Chancellor of Justice on Reception of Unaccompanied Minors

<sup>37</sup> 10.01.2018 response from the Police and Border Guard Board to the EMN query

<sup>38</sup> Analysis by the Chancellor of Justice on Reception of Unaccompanied Minors

<sup>39</sup> 26.01.2018 interview with the accommodation service provider

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question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).

As there have been very small number of unaccompanied minors, they have had a very individual approach. The staff working with the UAMs have been dedicated.

The cooperation between different authorities regarding the care of unaccompanied minors has been good.<sup>40</sup>

## Section 4: Integration of unaccompanied minors, including transitional arrangements for unaccompanied minors turning 18 years of age [max. 10 pages]

*This section of the Synthesis Report will provide a factual, comparative overview of the integration measures in place for unaccompanied minors in the (Member) States, such as access to education and employment – including any transitional arrangements in place for unaccompanied minors turning 18. The aim of this section is to report on integration measures available specifically to unaccompanied minors following status determination (and not to duplicate information covered in other EMN studies on general integration measures). Where the provisions differ from those unaccompanied minors without a determination on their applications, this should be indicated. If applicable, please also distinguish between provisions that apply to all unaccompanied minors, as well as those that apply to certain groups of unaccompanied minors, e.g. non-asylum seeking unaccompanied minors, trafficked children, etc.*

### Overview of integration provisions and organisational set-up in the (Member) State

**Q14. a.** What **priority** is given to the integration of unaccompanied minors in your (Member) State (over their return, for example)?

Generally integration is considered an important issue, but as there have been only few unaccompanied minors who have stayed in Estonia, it is difficult to assess the level of priority.

**b.** Please provide a summary overview of the provisions in place in your (Member) State for the **integration** of unaccompanied minors following their status determination, indicating in particular how the legal status of the unaccompanied minor defines his/ her specific integration trajectory (e.g. refugee, beneficiary of subsidiary protection, other statuses granted, etc.).

Beneficiaries of international protection (refugee or beneficiary of subsidiary protection) are obliged under the Act on Granting International protection to Aliens to participate in the adaptation courses, use the service of a support person of international protection where appointed to him or her<sup>41</sup> as well as language courses.

There is a specialized adaptation course for children and young people with the aim to help children and young people accommodate to Estonian society through acquiring knowledge about the functioning of the state and the society, about Estonian daily life, studies and cultural environment.<sup>42</sup> Additionally there is a course for beneficiaries of international protection.

<sup>40</sup> 08.01.2018 interview with the officials from the Ministry of Social Affairs

<sup>41</sup> Act on Granting International Protection to Aliens Article 75 (4<sup>5</sup>)

<sup>42</sup> Welcoming Programme: <https://www.settleinestonia.ee/mod/page/view.php?id=114&lang=en>



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If a minor has received a residence permit under the Aliens Act, the legislation foresees that the Police and Border Guard Board will send the TCN to participate in the adaptation programme.<sup>43</sup>

**b.** Do the above provisions **differ** from those for accompanied minors, as well as for adults and if so, how?

Children and young people have a special module in adaptation programme.

**c.** Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** with regard to the integration of unaccompanied minors. Is this set out in legislation or any other internal administrative regulations?

**Q15.** Which **national/ regional/ local authorities and organisations** (including NGOs where relevant) are responsible for the integration of unaccompanied minors following status determination? Please describe in particular the competent authorities responsible for the provision of education, employment support, etc., what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account, etc.

<b>Name of national competent authority/ organisation</b>	<b>Brief description (e.g. remit/ role, etc.)</b>	<b>Main activities/ responsibilities</b>
<i>Ministry of the Interior</i>	<i>Coordination of the Adaptation programme</i>	<i>Responsible for the Adaptation programme</i>
<i>Ministry of Culture</i>	<i>The Ministry of Culture handles the integration policy and the implementation of the integration strategy in cooperation with other ministries.</i>	<i>Responsible for the policy regarding the integration measure the aim of which is to create opportunities for less integrated permanent residents to participate in the Estonian society, including employment, life-long learning, and civil society.</i>
<i>Integration Foundation</i>	<i>Most of integration activities are carried out by the Integration Foundation.</i>	<i>The purpose of the Foundation is to initiate and support activities that promote the integration process in Estonian society and activities that are related to migration.</i>
<i>Local Government</i>	<i>a) Organising social welfare</i>  <i>b) guardians support UAMs in integration</i>  <i>c) obligation to provide education</i>	<i>a) Organise, assign and pay for social services and benefits. Local authorities provide social counselling service.</i>  <i>b) the guardian is responsible for guaranteeing the best interests of the child and supporting him or her in the integration process</i>  <i>c) A rural municipality or city provides</i>

<sup>43</sup> Aliens Act Article 121<sup>1</sup>

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		<i>a person subject to the duty to attend school, whose place of residence is located in the administrative territory of the rural municipality or city, with the opportunity to acquire basic education.</i>
<i>Ministry of Education and Research</i>	<i>The Ministry of Education and Research develops Estonia's education, research, and language policy and youth field.</i>	<i>Planning and carrying out legal policy related to education.</i>
<i>Estonian Unemployment Insurance Fund</i>	<i>Estonian Unemployment Insurance Fund administers the social insurance provisions related to unemployment, and organises labour market services that help unemployed persons find new employment.</i>	<i>Provides employment services and subsidies, helps in finding a job, traineeship, provides language courses etc.</i>
<i>Johannes Mihkelson Centre</i>	<i>NGO responsible for providing assistance and support person service to beneficiaries of international protection.</i>	<i>Providing support person services to beneficiaries of international protection.  Providing assistance, trainings, work traineeship, creative therapy etc.</i>
<i>Estonian Refugee Council</i>	<i>NGO providing assistance and support person service to beneficiaries of international protection.</i>	<i>Providing support person services to beneficiaries of international protection.  Providing group activities to enhance integration, providing help in family reunification etc.</i>

**Access to healthcare**

**Q16. a.** When providing access to **healthcare** to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

- Is access to healthcare **automatic** for unaccompanied minors upon obtaining a permit to stay which is **not** covered by the Qualification Directive (as it is for refugees and beneficiaries of international protection)? Does this group of unaccompanied minors have the same right to healthcare as nationals of the (Member) State? **Y/ N**

*The healthcare is covered for all groups of unaccompanied minors.*

- Please describe what this access to healthcare **includes**, for example, emergency treatment, basic medical care, essential or specialised medical care, counselling, etc.? **Y/ N**

*Yes, the access comprises essential as well as specialised medical care, including psychological counselling.*

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- Does the (Member) State undertake any form of **individual assessment** to ensure that the medical care provided to unaccompanied minors corresponds to the minor's specific physical, as well as mental health needs? **Y/ N**

An individual assessment of needs is done when UAM arrives to the alternative care service.

- Please provide any **other important information** in relation to the healthcare available for unaccompanied minors *not covered above*.

No information available.

**b.** What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to healthcare, including counselling up to that stage? What measures (if any) are in place to support the unaccompanied minor before, during and after such a transition, e.g. information provision, etc.?

Healthcare is covered by the Social Insurance Board from the moment UAM is present in the country until he or she becomes 18 years of age. After that the healthcare depends on the status of the person. For example if the person has a legal status and is registered as unemployed, his or her healthcare is covered by the state. There are no specific measures in place for UAMs in that matter.

**c.** Is there any research available in your (Member) State on:

- The **quality of healthcare, including counselling**, provided to unaccompanied minors? **Y/ N**
- The **effects** of the access to healthcare on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? **Y/ N**

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

No information available.

### **Access to education**

**Q17. a.** When providing access to **education** to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

- Is access to education **automatic** for unaccompanied minors who have obtained a status which is **not** covered by the Qualification Directive (as it is for refugees and beneficiaries of international protection)? Does this group of unaccompanied minors have the same right to education as nationals of the (Member) State? **Y/ N**

Yes, access to education is automatic for unaccompanied minors and they have the same right to education as nationals. According to the legislation<sup>44</sup> a person who has reached the age of seven years before October 1 in the current year is subject to the duty to attend school (including a person having foreign citizenship or unspecified citizenship). A person is required to attend school until they acquire basic education or attain the age of 17 years.

<sup>44</sup> Basic Schools and Upper Secondary Schools Act Article 9



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- Does the (Member) State undertake any form of **individual assessment** to ensure that the education provided to unaccompanied minors is adapted to the age, level of education in the country of origin, degree of language barrier of the unaccompanied minor, etc.? Y/ N

Yes. An individual curriculum can be made for the unaccompanied minor. Additional Estonian language lessons are provided at the school (4 extra hours every week).<sup>45</sup> A rural municipality or city provides a person subject to the duty to attend school, whose place of residence is located in the administrative territory of the rural municipality or city, with the opportunity to acquire basic education.

- Are any **special measures** to support access to education specifically for unaccompanied minors available in the (Member) State, in particular language training\*, guidance regarding the national education system, etc.? Y/ N

\* Are there specialised institutions for the language training of unaccompanied minors? Does language training take place in public schools, in specialised language courses for unaccompanied minors or minors in general, or within adult language learning programmes for foreign citizens?

Estonian language courses are provided in order to support access to education. There are no specialised institutions. The language training takes place in public schools.<sup>46</sup>

- Do unaccompanied minors receive **education in accommodation centres**, or as part of the **mainstream schooling system**? Or are there **other education arrangements** for unaccompanied minors in your (Member) State? Y/ N

They receive education in the mainstream schooling system.

- Please provide any other important information in relation to access to education for unaccompanied minors *not covered above*.

Nothing to add.

**b.** What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to education up to that stage, e.g. do unaccompanied minors have the possibility to continue compulsory education post-18, to progress to third-level education, vocation studies and training, etc.? What measures (if any) are in place to support the unaccompanied minor before, during and after such a transition, e.g. information provision, education pathway/ plan, personal adviser, etc.?

There are not legislative restrictions, but there have been no practice in this case to make conclusions about systematic implications in transitions.<sup>47</sup> It is possible for the UAM to continue education after 18 years of age, but he or she needs to apply for a residence permit for studying. UAMs have a case plan and information is provided by the social worker or the educator at the substitute home or the legal guardian.

**c.** Is there any research available in your (Member) State on:

- The **quality of education** provided to unaccompanied minors? Y/ N
- On the educational performance of unaccompanied minors? Y/ N

<sup>45</sup> 26.01.2018 interview with the accommodation service provider

<sup>46</sup> Ministry of Education and Research 10.01.2018 response to the EMN query

<sup>47</sup> Ministry of Education and Research 10.01.2018 response to the EMN query

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- The **effects** of the access to education on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? **Y/ N**

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

In the analysis Reception of Unaccompanied Minors the Chancellor of Justice has made a recommendation to the local government that children should have access to education and Estonian languages course without any delays. In practice it has happened that a child could not start school immediately in the beginning of the school year due to lack of teachers and Estonian language courses have not been provided in summer.<sup>48</sup>

**Access to (support to) employment**

**Q18. a.** When providing **access to employment**<sup>49</sup> to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

- Is access to employment **automatic** for unaccompanied minors upon obtaining a permit to stay which is **not** covered by the Qualification Directive (as it is for refugees and beneficiaries of international protection)? What does the access include, e.g. internships, traineeships, vocational preparation, etc.? Is this subject to rules generally applicable to the profession and to the public service? Is this conditional upon obtaining a work permit, etc.? **Y/ N**

Yes, access to employment is automatic when receiving a residence permit. There is no need to apply for a work permit. The access includes the possibility for internship, traineeship, vocational preparation.

- Is the access to employment for unaccompanied minors **limited** in any way, for example, open only to unaccompanied minors of a certain minimum age after status determination, or restricted for a certain period and/ or limited to a maximum number of days per year? Are these limitations for unaccompanied minors same as those applied to minors who are nationals of the (Member) State? **Y/ N**

Firstly, only UAMs who have a residence permit have the right to work. Additionally, access to employment for unaccompanied minors can be limited due the legal restrictions for working of the minors. On the other hand the restrictions do not depend on what type of residence permit the minor has, as long as the UAM has a legal ground to stay in Estonia.

The restrictions for minors are the same for nationals. The restrictions stipulated in the Employment contracts Act<sup>50</sup> are as follows:

- (1) An employer shall not enter into an employment contract with a minor under 15 years of age or a minor subject to the obligation to attend school, or allow such a minor to work, except in the cases provided for in subsection (4) of this section.
- (2) An employer shall not enter into an employment contract with a minor or allow a minor to work if the work:
  - 1) is beyond the minor's physical or psychological capacity;
  - 2) is likely to harm the moral development of the minor;
  - 3) involves risks which the minor cannot recognise or avoid owing to lack of experience or training;
  - 4) is likely to hinder the minor's social development or the acquisition of his or her education;
  - 5) is likely to harm the minor's health due to the nature of the work or the working environment.

<sup>48</sup> Analysis by the Chancellor of Justice on Reception of Unaccompanied Minors

<sup>49</sup> Please note that this need not apply to unaccompanied minors who are still in full-time education.

<sup>50</sup> Employment contracts Act Article 7 and 8

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(3) The list of the work and hazards specified in clause (2)5) of this section is established by the Government of the Republic by a regulation<sup>51</sup>.

(4) An employer may enter into an employment contract with a minor of 13–14 years of age or a minor of 15–16 years of age subject to the obligation to attend school and allow him or her to work if the duties are simple and do not require any major physical or mental effort (light work). Minors of 7–12 years of age are allowed to do light work in the field of culture, art, sports or advertising.

(4<sup>1</sup>) An employer may enter into an employment contract with a minor of 13 years of age for the performance of the following work:

- 1) agricultural work;
- 2) ancillary work performed in trade or service establishments;
- 3) ancillary work performed in catering or accommodation establishments;
- 4) other work that meets the requirements provided for in subsections (2) and (4) of this section.

An employer is prohibited from allowing a minor to work without the consent or approval of a legal representative.<sup>52</sup>

Unless the employer and the employee have agreed on a shorter working time, full-time work (shortened full-time work) means:

- 1) in the case of an employee who is 7–12 years of age – 2 hours a day and 12 hours over a period of seven days during a quarter of an academic year outside of school hours and 3 hours a day and 15 hours over a period of seven days during school holidays;
- 2) in the case of an employee who is 13–14 years of age or an older employee who is subject to the obligation to attend school – 2 hours a day and 12 hours over a period of seven days during a quarter of an academic year outside of school hours and 7 hours a day and 35 hours over a period of seven days during school holidays.

If a minor who is 14 years of age and studying in a vocational educational institution is completing work practice for the purposes of the Vocational Educational Institutions Act, his or her working time may be 7 hours a day and 35 hours over a period of seven days. Under the same conditions, the working time of a minor who is at least 15 years of age may be 8 hours a day and 40 hours over a period of seven days.

If a minor who is subject to the obligation to attend school performs light work in the field of culture, art, sports or advertising, his or her working time during a quarter of an academic year outside of school hours may be 3 hours a day and 12 hours over a period of seven days.<sup>53</sup>

Additionally there are restrictions regarding employment in the public service where Estonian nationality is compulsory and in addition some jobs require the knowledge of Estonian language.

- Are any **special measures** to support access to employment specifically for unaccompanied minors available in the (Member) State, in particular vocational guidance, jobseeker allowance for unaccompanied minors not able to find employment, etc.? Y/ N

There are no special measures to support access to employment specifically for unaccompanied minors available in Estonia. The unaccompanied minors can benefit from the general measures provided by the Estonian Unemployment Insurance Fund in case they have a legal ground to stay in Estonia. For example an unaccompanied minor who registers at Estonian Unemployment Insurance Fund as unemployed is entitled to the same workforce services as others, but the

<sup>51</sup> List of occupational hazards and work prohibited to minors: <https://www.riigiteataja.ee/en/eli/518112015003/consolide>

<sup>52</sup> Employment Contracts Act Article 8 (9)

<sup>53</sup> Employment Contracts Act Article 43

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guardian has to give permission to register as unemployed person.

- Please provide any other important information in relation to access to employment for unaccompanied minors *not covered above*.

No information available.

**b.** What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to employment up to that stage? What measures (if any) are in place to support the unaccompanied minor before, during and after the transition, e.g. ongoing employment support as part of integration pathway/ plan, personal adviser, etc.?

There are no implications or special measures in place.

**c.** Is there any research available in your (Member) State on:

- The **quality of employment access support** provided to unaccompanied minors? Y/ **N**
- The **effects** of the access to employment on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ **N**

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

No information available.

### *Family reunification of unaccompanied minors*

**Q19. a.** Please provide here any updated information on the **possibility for family reunification** for unaccompanied minors since the 2016 EMN Focussed Study on "Family Reunification of Third-Country Nationals in the EU plus Norway: National Practices," including any information on the effects of family reunification on the integration of unaccompanied minors in your (Member) State (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

Estonia does not have any practice in the family reunification of unaccompanied minors.

**b.** What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to family reunification up to that stage, for example:

- Is there any cut-off of family reunification rights when unaccompanied minors reach 18 years of age? **Y/ N**

Yes, but there has been no practice. If a beneficiary of international protection becomes 18 years of age he or she is not regarded as unaccompanied minor anymore and therefore the persons considered as family members changes. Additionally according to the Act on Granting International Protection to Aliens unaccompanied minors do not have the obligations of the sponsor until 18 years of age, but after becoming 18 years old it is up to the Police and Border Guard Board to decide whether to impose the obligations of the sponsor or not.

- Does your (Member) State have any measures in place to support the unaccompanied minor before, during and after such a transition (please specify these measures)? Y/ **N**

No specific measures.

- Please provide any other important information in relation to family reunification for unaccompanied minors *not covered above*.

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Nothing to add.

**c.** Is there any research available on the **effects** of family reunification on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

No.

***Social welfare supporting unaccompanied minors***

**Q20. a.** Does your (Member) State provide any **social welfare/ assistance** to support unaccompanied minors? Y/ N

If yes, please provide information on this below, citing any evidence on the **effects** of social welfare/ assistance on the integration of the unaccompanied minors where available (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

The state is responsible for all the cost associated with the care and integration of the unaccompanied minors. Social welfare/assistance is provided on the need basis. A case plan is composed to every UAM, which maps the needs of the UAM.<sup>54</sup>

There are no evaluations or existing studies on effects of social welfare/assistance on the integration of the unaccompanied minors.

**b.** What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to social welfare/ assistance up to that stage, for example:

- Is there any benefits cut-off when unaccompanied minors reach 18 years of age? Y/ N

In case a legally staying UAM who has become 18 years of age is referred to continued care service, there can be a change in the social benefits (a cut-off). On the other hand there are some benefits e.g the subsistence benefit that the person can receive after leaving the substitute home.<sup>55</sup>

- Does your (Member) State have any measures in place to support the unaccompanied minor before, during and after such a transition (please specify these measures)? Y/ N

The guardian of the UAM as well as the social worker at the accommodation service provider and the educators at the substitute home or the family parent at the family home provide the UAM with assistance and information on the transition.

- Please provide any other important information in relation to social welfare for unaccompanied minors *not covered above*.

Nothing to add.

<sup>54</sup> 08.01.2018 interview with the officials from the Ministry of Social Affairs

<sup>55</sup> 08.01.2018 interview with the officials from the Ministry of Social Affairs

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**c.** Is there any research available on the **effects** of social welfare on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ **N**

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

No information available.

*Further monitoring of unaccompanied minors' transition to adulthood*

**Q21.** Further to any information on after-care already provided above, please describe any (other) **monitoring mechanisms/ reviews/ evaluations** ensuring the effective transition of unaccompanied minors to adulthood, including the types of measure(s) undertaken and the duration of the monitoring period after unaccompanied minors reach 18 years of age.

No information available.

*Consequences of a temporary residence permit on the integration of unaccompanied minors*

**Q22.** What impact does the expiration of a **temporary residence permit** have on the above-mentioned integration measures for unaccompanied minors in your (Member) State, e.g. possibility for education-related extension of a temporary residence permit originally granted on grounds of international/ humanitarian protection, etc.?

If the unaccompanied minor is under 18 years of age at the moment of the expiration of a temporary residence permit, it is possible to grant a residence permit for studying.

*Challenges and good practices*

**Q23.** Please indicate the main **challenges** associated with the integration of unaccompanied minors in your (Member) State experienced by both unaccompanied minors (including those turning 18 years of age), and/ or competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and how these challenges could be overcome. Please provide references.

The number of unaccompanied minors is very low in Estonia. Without real target group it is complicated to develop policies (structure of responsibilities, budget allocations for services etc)<sup>56</sup>

**Q24.** Please describe any examples of **good practice** in your (Member) State concerning the integration of unaccompanied minors – including those turning 18 – identifying as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).

As there is very little practice, it is difficult to report any examples of good practice.

<sup>56</sup> Ministry of Education and Research 10.01.2018 response to the EMN query



*(Member) States' Approaches to Unaccompanied Minors Following Status Determination***Section 5: Return of unaccompanied minors [max. 10 pages]**

*This section of the **Synthesis Report** will report on the return arrangements for unaccompanied minors as stipulated in Directive 2008/115/EC (i.e. Art. 10, Art. 17) without duplicating information covered in the forthcoming EMN study on 'The effectiveness of return in EU Member States: challenges and good practices linked to EU rules and standards.'*

**Overview of the return procedure and its legal and organisational set-up in the (Member) State**

**Q25. a.** Does your (Member) State foresee the **return** of unaccompanied minors? **Y/ N**

If so, please provide a brief overview of the provisions in place in your (Member) State with regard to the **return** of unaccompanied minors to the country of origin when the minor receives a negative decision on his/ her application for asylum/ another status:

- Possibility for an unaccompanied minor to return to the country of origin through a **voluntary return**? **Y/ N**

If yes, please describe the procedures/ processes under which an unaccompanied minor may be returned voluntarily to the country of origin according to national legislation/ policy and practice, including any challenges.

N/A

- Possibility for an unaccompanied minor to return to the country of origin through an **assisted voluntary return**? **Y/ N**

If yes, please describe the Assisted Voluntary Return and Reintegration (AVRR) programme available in your (Member) State and the procedures/ processes under which an assisted voluntary return of an unaccompanied minor may be carried out, including any challenges.

According to the OLPEA<sup>57</sup> the return decision shall be issued to an unaccompanied minor TCN if upon the issue of the return decision the representation of the unaccompanied minor TCN is ensured and his or her interests are taken into account. The term for voluntary compliance with the obligation to leave of an unaccompanied minor TCN shall not be assigned.

The obligation to leave of an unaccompanied minor alien shall be complied with taking account of the interests of the unaccompanied minor and if the guardian is convinced that the unaccompanied minor shall be sent back to his or her family member or appointed guardian or to the reception centre of the receiving state. The guardian shall organize the compliance with the return decision with respect to an unaccompanied minor and an adult TCN with restricted active legal capacity.

The Police and Border Guard Board shall provide the guardian with professional assistance for the compliance with the obligation to leave of an unaccompanied minor pursuant to the procedure provided for in the Administrative Co-operation Act. The Police and Border Guard Board or the Estonian Internal Security Service shall organise the searching of a family member of the unaccompanied minor TCN, of a guardian or a reception centre appointed in the receiving state.

An unaccompanied minor may be expelled if the custody of a minor is arranged and the protection of the rights and

<sup>57</sup> OLPEA Article 12 (3) to (8)

*(Member) States' Approaches to Unaccompanied Minors Following Status Determination*

interests of the minor are ensured in the admitting country.

Expulsion of an unaccompanied minor is arranged in coordination with the competent state agencies of the admitting country and in case of necessity with the competent state agencies in the transit country.<sup>58</sup>

In Estonia the reintegration assistance is a vital component of the Voluntary Assisted Return and Reintegration Programme (VARRE) which aims to support returning migrants by providing opportunities for employment, skills development and training, education, and income-generating activities. The programme is not specifically targeted to unaccompanied minors, but it takes into account the individual circumstances and can offer reintegration packages tailored to unaccompanied minors.<sup>59</sup>

- Possibility for an unaccompanied minor to return to the country of origin through a **forced return**?  
Y/ **N**

If yes, please describe the procedures/ processes under which an unaccompanied minor may be subject to a forced return to the country of origin according to national legislation/ policy and practice, including any challenges.

N/A

**b.** Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** once a negative decision has been reached. Is this set out in legislation or any other internal administrative regulations? *Please cross-reference/ summarise here any aspects of the BID procedure for unaccompanied minors subject to a return decision already covered under the EMN study on return (see above) and provide any additional information).*

The assessment of the best interests of the child is a part of the status determination decision. The guardian can contribute to that assessment. The Police and Border Guard Board is responsible for searching of family members of the unaccompanied minor TCN, a guardian or a reception center appointed in the receiving state. If the unaccompanied minor wishes to return voluntarily, the guardian in cooperation with IOM shall organize the return of an unaccompanied minor through AVRR program.

An unaccompanied minor may be returned if the custody of a minor is arranged and the protection of the rights and interests of the minor are ensured in the admitting country. In that case the return of an unaccompanied minor is arranged in coordination with the competent State agencies of the admitting country and in case of necessity with the competent State agencies in the transit country.<sup>60</sup>

**Q26.** Which **national authorities and organisations** (including NGOs where relevant) are responsible for the return of unaccompanied minors? Please describe briefly the competent authorities involved in return, family tracing, etc., as well as any other stakeholders concerned, what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account in the return of the minor, etc.

Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
Police and Border Guard Board	The Police and Border Guard Board is responsible for searching of family members of the unaccompanied minor TCN, a guardian or a	Issuing the return decisions Family tracing Informing the child and the

<sup>58</sup> OLPEA Article 21

<sup>59</sup> Voluntary Assisted Return and Reintegration Programme from Estonia: <http://www.iom.ee/varre/>

<sup>60</sup> PBGB 30.08.2017 response to EMN inquiry



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	reception center appointed in the receiving state.	guardian of the relevant processes and their legal consequences.
International Organisation for Migration	Assists the unaccompanied minor in case of voluntary return.	Explaining the possibilities of return, acquiring documents, organizing the return, providing and organizing reintegration support.
Red Cross	Monitoring the return	Monitoring
The legal guardian of the child	If the unaccompanied minor wishes to return voluntarily, the guardian in cooperation with IOM shall organize the return of an unaccompanied minor through AVRR program.	Informing the UAM about the possibilities of return.

**Enforcement of return decisions and key arrangements pre/ during/ post departure**

**Q27.** What is the estimated timeframe within which your (Member) State **implements** a return decision following a rejection of an unaccompanied minor's application for asylum/ another status? If there are delays (deviating from this timeframe), what are the usual reasons for such delays?

A return decision is issued after the negative decision comes into force, but in case of unaccompanied minor the term for voluntary compliance with the obligation to leave is not assigned or it is assigned depending on when the UAM becomes 18 years of age.<sup>61</sup>

**Q28.** Please describe the measures (if any) taken by your (Member) State to:

- encourage **voluntary return** when an enforceable return decision is issued to an unaccompanied minor:

No practice.

- **enforce** return decisions against unaccompanied minors; please clarify in particular how your (Member) State perceives the forced return of unaccompanied minors, as well as what is considered effective in this context:

No practice.

- mitigate any negative impact (please specify) of a return decision on the **well-being of unaccompanied minors**:

No practice.

**Q29. a.** Please provide an overview of key arrangements for the **return of unaccompanied minors** to the country of origin, in particular information, support, services and preparation before departure, safeguards for unaccompanied minors during the operation, transfer of custodial care, etc.

As unaccompanied minors have not been returned, there is no practice.<sup>62</sup>

<sup>61</sup> 10.01.2018 response from the Police and Border Guard Board to the EMN query

<sup>62</sup> 10.01.2018 response from the Police and Border Guard Board to the EMN query

*(Member) States' Approaches to Unaccompanied Minors Following Status Determination*

**b.** Please describe the policy/ practice of your (Member) State with regard to **family tracing** in the country of origin, including when such measures are taken, which authority/ organisation is responsible, as well as the contribution and responsibility of the guardian.

There is no practice of family tracing from the third country, but according to law the Police and Border Guard Board or the Estonian Internal Security Service shall organise the searching of a family member of the unaccompanied minor TCN, of a guardian or a reception centre appointed in the receiving state.<sup>63</sup> In practice the Estonian Red Cross can additionally be used by the guardian of the child.

**c.** How does your (Member) State interpret the term '**adequate**' **reception facilities** in the country of origin, as one of the requirements for removing an unaccompanied minor from EU territory according to the Return Directive?<sup>64</sup> Does your (Member) State return unaccompanied minors to care centres or parents, relatives, etc.?

Adequate reception facility is considered to be a facility which specializes on care of children where the best interest of the child are guaranteed. If an UAM provides information about his or her parents, guardian etc, in theory the return would be possible.<sup>65</sup>

**d.** Please indicate any **special/ transitional arrangements** for the return of unaccompanied minors approaching 18 years of age. *Please do not cover here any aspects of the return of former unaccompanied minors, i.e. adults, as this is subject of a separate EMN study on return (see above).*

None.

**e.** Please provide information on the **follow up** of unaccompanied minors once they have returned, such as duration of such follow up, competent service, etc.

No information available.

**f.** Please elaborate on any **existing cooperation arrangements** between your (Member) State and countries of origin when it comes to the return of unaccompanied minors, such as bilateral readmission agreements concerning unaccompanied minors.

None.

**Q30. a.** Does your Member State provide any **reintegration assistance** to unaccompanied minors returning to their countries of origin (*please cross-reference/ summarise here to any aspects of the reintegration support for unaccompanied minors already covered under the EMN study on return (see above) and provide any additional information*):

- through **voluntary return**? Y/ N

If yes, please describe the kind of supports available before, during and after the voluntary return of an unaccompanied minor.

<sup>63</sup> OLPEA Article 12(8)

<sup>64</sup> Art. 10(2) of Directive 2008/115/EC stipulates that before removing an unaccompanied minor from the territory of a Member State, the authorities of that Member State shall be satisfied that s/he will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the State of return.

<sup>65</sup> 10.01.2018 response from the Police and Border Guard Board to the EMN query

*(Member) States' Approaches to Unaccompanied Minors Following Status Determination*

- through **assisted voluntary return**? Y/ N

If yes, please describe the kind of supports available under the Assisted Voluntary Return and Reintegration (AVRR) programme available in your (Member) State before, during and after the assisted voluntary return of the unaccompanied minor.

In Estonia the reintegration assistance is a vital component of the Voluntary Assisted Return and Reintegration Programme (VARRE) which aims to support returning migrants by providing opportunities for employment, skills development and training, education, and income-generating activities. The programme is not specifically targeted to unaccompanied minors, but it takes into account the individual circumstances and can offer reintegration packages tailored to unaccompanied minors.<sup>66</sup>

- through **forced return**? Y/ N

If yes, please describe the kind of supports available before, during and after the forced return of an unaccompanied minor.

No forced returns, hence no information available.

**b.** Please describe the **monitoring mechanisms** (if any) in place in your (Member) State to ensure the effective reintegration of unaccompanied minors, including the types of measure undertaken and the duration of the monitoring period.

No practice.

#### *Alternatives to return*

**Q31.** Does your (Member) State provide for any **alternative solutions to stay** for unaccompanied minors, such as regularisations, etc.? How do you **inform** unaccompanied minors of such possibilities to stay following a negative decision on their application for asylum/ another status?

If there is no prospect of return, a temporary residence permit for settling permanently in Estonia can be issued under the Aliens Act.<sup>67</sup>

#### *Dealing with unaccompanied minors who cannot be immediately returned*

**Q32. a.** Please describe the procedure of dealing with **unaccompanied minors who are not/ cannot be returned immediately** in your (Member) State, specifying the circumstances whereby the enforcement of a return decision has been deferred/ postponed, for how long such a deferral/ postponement is possible, where unaccompanied minors are housed during the deferral/ postponement period, whether unaccompanied minors have the possibility to be granted a status/ right to stay in the (Member) State (e.g. tolerated status), etc.

Under a contract the unaccompanied minors are accommodated by the accommodation service provider until they become 18 years old.<sup>68</sup> There is a possibility to grant a residence permit on humanitarian grounds.

**b.** What is the impact of a deferred return decision on the **well-being** of unaccompanied minors (as cited in existing evaluations/ studies/ other sources or information received from competent authorities, please provide references)? Does your (Member) State provide any state-guaranteed healthcare, including counselling, guardianship, etc. to the unaccompanied minor during this state of limbo?

<sup>66</sup> Voluntary Assisted Return and Reintegration Programme from Estonia: <http://www.iom.ee/varre/>

<sup>67</sup> Aliens Act § 210<sup>3</sup>

<sup>68</sup> 10.01.2018 response from the Police and Border Guard Board to the EMN query

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There have been no evaluations on how deferred return decision impacts the well-being of unaccompanied minors. As long as the UAM is in Estonia, he or she is guaranteed healthcare, education, accommodation and a guardian.

**c.** Please provide any other information available in your (Member) State on the **well-being** of unaccompanied minors during the above-mentioned state of limbo, such as instances of unaccompanied minors transferred to another reception facility because of disciplinary reasons, unaccompanied minors involved in incidents, number of consultations with psychologists, school absenteeism or school drop-out rates, etc.

No practice.

**Challenges and good practices**

**Q33.** Please indicate the main **challenges** associated with the implementation of the return of unaccompanied minors in your (Member) State experienced by both unaccompanied minors, including those turning 18, and/ or competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and the measures (that could be) taken to overcome these challenges. For example, do boys face different challenges than girls (and vice versa) when it comes to return and if so, how does your (Member) State deal with such challenges?

One of the challenge for the Police and Border Guard Board is locating the parents or guardian from the country of origin. It is possible to use the help of International Red Cross or International Organization of Migration for family tracing, as well as the help of embassies. There is very little practice vis a vis the return of unaccompanied minors.<sup>69</sup>

**Q34.** Please describe any examples of **good practice** in your (Member) State concerning the return of unaccompanied minors. *Please note that, in order to comply with children's rights and EU policy positions,<sup>70</sup> good practices in return of unaccompanied minors should only include voluntary return following a robust, individual BID procedure with all procedural safeguards, as well as holistic support, preparation and reintegration assistance.*

*Please identify as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).*

N/A

## Section 6: Disappearances of unaccompanied minors from guardianship/ care facilities and/ or following a return decision [max. 5 pages]

**Q35.** Is the **disappearance of unaccompanied minors** an issue in your (Member) State? If so, can this be linked to i) the decision on their application for asylum/ another status in terms of the point in time, i.e. before/ after a decision on status is issued, and ii) in terms of the outcome of the procedure, i.e. positive/ negative decision?

<sup>69</sup> 10.01.2018 response from the Police and Border Guard Board to the EMN query

<sup>70</sup> For example, the Commission Recommendation on making returns more effective when implementing the Directive 2008/115/EC, C(2017) 1600 final, see above.

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Yes, it can be considered an issue. It cannot be linked to the decision time or type as also the minors who have been granted a residence permit have voluntarily left the substitute home.<sup>71</sup>

**Q36.** If your (Member) State has recorded cases of **unaccompanied minors disappearing from accommodation facilities and/ or guardianship care** following a decision on status, what are the possible **reasons** for such disappearances (e.g. running away from guardianship/ care facilities, expiration of a temporary residence permit, etc. as cited in existing evaluations/ studies/ other sources or information received from competent authorities, *please provide references*)?

Also, what are the **consequences** of their disappearance on their permit to stay? For example, can their status and/ or residence permit be withdrawn?

The reasons for disappearing from accommodation facilities have been associated with the wish to leave Estonia to another country where they have a community from their nationals.

It is possible to withdraw the status after some time has passed, if the person has disappeared.<sup>72</sup>

**Q37.** Does your (Member) State have any procedures/ measures in place to:

- **Prevent and react** to disappearances of unaccompanied minors from guardianship/ care facilities, e.g. support services, national hotlines for missing children, missing persons alerts in the Schengen Information System, Missing Children Europe and its member organisations, fingerprinting/ photographing unaccompanied minors as an aid for tracing, etc.? **Y/ N**

There is a national 24 hour hotline for missing children.<sup>73</sup> The accommodation service provider is obliged to inform the Police and Border Guard Board and other relevant authorities if the UAM disappears from the accommodation.

- **Report and respond** to disappearances of unaccompanied minors from guardianship/ care facilities, e.g. protocols among authorities, standardised procedure for dealing with disappearances, etc.? **Y/ N**

The accommodation service provider is obliged to inform the Police and Border Guard Board and other relevant authorities if the UAM disappears from the accommodation. The Police operational units are informed of the missing children.

**Q38.** If your (Member) State has cases of **unaccompanied minors disappearing following a return decision**, please describe the actions (if different from the above) taken by your (Member) State to decrease the **risk of such disappearances**, as well as any **follow-up measures** in case of disappearances.

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**Q39.** Please indicate the main **challenges** associated with the disappearance of unaccompanied minors in your (Member) State for the competent authorities, as well as the minors themselves and the measures (that could be) taken to overcome these challenges. For example, do you have evidence of instances of disappearances of unaccompanied minors linked to any negative consequences for the minors (e.g. exploitation, radicalisation, etc.)? *Please base this information on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc. and provide references.*

<sup>71</sup> 10.01.2018 response from the Police and Border Guard Board to the EMN query

<sup>72</sup> 10.01.2018 response from the Police and Border Guard Board to the EMN query

<sup>73</sup> Missing Children information hotline homepage: <http://www.116000.ee/et/>

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**Q40.** Please describe any examples of **good practice** in your (Member) State concerning the issue of disappearances of unaccompanied minors. *Please identify as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).*

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## Section 7: Conclusions [max. 7 pages]

*This last section of the **Synthesis Report** will outline the main findings of the Study and present conclusions relevant for policy-makers at EU and national level. (Member) States should include any overall conclusions from their National Contribution in the top-line factsheet above rather than duplicate information in this section.*

## Annex 1 National statistics (in Excel)

**Q41.** With reference to **Q5.b.** above, please complete the following table with national statistics on the (estimated) number of unaccompanied minors in your (Member) State, if available.

Please provide here a brief explanation of the metadata, describing for example the population covered, the method used to reach the estimates, any caveats as to their likely accuracy, etc. It should be noted, given the differences in methods used to make the estimates, that it will not be possible to synthesise this information to produce a 'total EU estimate' for the Study.

In the period covered by this study, there were 5 unaccompanied minors registered by the Police and Border Guard Board. There were no asylum seeking unaccompanied minors. A return decision was issued to all of the unaccompanied minors, but none of the returns were carried out as unaccompanied minors are not being returned. Two of the UAMs received a residence permit to participate in criminal proceedings, one of those two has currently a residence permit for studying.

There is no information available about the integration outcomes for the UAMs.

Every person is registered in the Police and Border Guard Board's information system(s) and while gathering the data, the information in the system is analysed, no estimates are used.

*Please provide your answer by completing the Excel document provided below. NB that statistics provided in another format (e.g. Word) would not be processed centrally.*

*Please do not here include the Eurostat data mentioned above, as this information is available publically and can therefore be analysed centrally for the Synthesis Report.*



Copy of  
EMN-UAMs-Stats An

*To the extent possible, the statistics provided here will be presented under the main sections of the Synthesis Report (rather than as an annex as they are requested in this Common Template).*